

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK
NWAUZOR, FERNANDO AGUIRRE-
URBINA, individually and on behalf of all
those similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

No. 3:17-cv-05769-RJB

**DECLARATION OF JAMAL N.
WHITEHEAD IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

I, JAMAL N. WHITEHEAD, declare as follows:

1. I am over the age of eighteen, competent to testify in this matter, and do so
based on personal knowledge.

2. Attached as **Exhibit A** is a true and correct copy of The GEO Group, Inc.'s
September 2017 ACA Audit Welcome Book, marked as Exhibit 348 to Bruce Scott's
deposition. Pursuant to the Protective Order, Docket No. 163, Exhibit A is filed under seal.

1 3. Attached as **Exhibit B** is a true and correct copy of the Award/Contract between
2 The GEO Group, Inc. and Immigration Customs Enforcement, marked as Exhibit 356 to the
3 Rule 30(b)(6) deposition of The GEO Group, Inc. Pursuant to the Protective Order, Docket
4 No. 163, Exhibit B is filed under seal.

5 4. Attached as **Exhibit C** are true and correct copies of excerpts of testimony from
6 the deposition of The GEO Group, Inc. taken on December 10, 2019, including the court
7 reporter's certification

8 5. Attached as **Exhibit D** is a true and correct copy of the Northwest ICE
9 Processing Center Facility Financial Summaries, marked as Exhibit 360 to the Rule 30(b)(6)
10 deposition of The GEO Group, Inc. Pursuant to the Protective Order, Docket No. 163, Exhibit
11 D is filed under seal.

12 6. Attached as **Exhibit E** are true and correct copies of excerpts of testimony from
13 the deposition of Fernando Aguirre-Urbina taken June 11, 2018, including the court reporter's
14 certification.

15 7. Attached as **Exhibit F** is a true and correct copies of article published April 15,
16 2017 by author James Black titled "Tacoma immigration detention center is misunderstood."

17 8. Attached as **Exhibit G** are true and correct copies of excerpts of testimony from
18 the deposition of Erwin DelaCruz taken December 2, 2019, including the court reporter's
19 certification. Mr. DelaCruz is currently GEO's Assistant Food Production Manager at the
20 Northwest Detention Center (NWDC).

21 9. Attached as **Exhibit H** are true and correct copies of excerpts of testimony from
22 the deposition of Marc A. Johnson taken December 2, 2019, including the court reporter's
23

1 certification. Mr. Johnson is currently a Detention Officer at the NWDC, but he previously
2 served at NWDC as a Lieutenant.

3 10. Attached as **Exhibit I** are true and correct copies of excerpts of testimony from
4 the deposition of David Tracy taken December 3, 2019, including the court reporter's
5 certification. Mr. Tracy is currently a Detention Officer at the NWDC, but he previously served
6 at NWDC as a Sergeant.

7 11. Attached as **Exhibit J** is a true and correct copy of the Commission on
8 Accreditation for Corrections' Standards Compliance Reaccreditation Audit for The GEO
9 Group at the Northwest Detention Center, dated September 2017. The document was marked
10 as Exhibit 349 to the deposition of Bruce Scott, Jr. Pursuant to the Protective Order, Docket
11 No. 163, Exhibit J is filed under seal.

12 12. Attached as **Exhibit K** are true and correct copies of excerpts of testimony from
13 the deposition of Bruce Scott, Jr. taken December 9, 2019, including the court reporter's
14 certification. Mr. Scott is currently the Assistant Warden at NWDC.

15 13. Attached as **Exhibit L** is a true and correct copy of ICE's 2008 Performance-
16 Based National Detention Standards § 5.8 (VWP).

17 14. Attached as **Exhibit M** is a true and correct copy of ICE's 2011 Performance-
18 Based National Detention Standards § 5.8 (VWP), marked as Exhibit 361 to the Rule 30(b)(6)
19 deposition of The GEO Group, Inc.

20 15. Attached as **Exhibit N** is a true and correct copy of ICE's 2019 Performance-
21 Based National Detention Standards § 5.8 (VWP).

22 16. Attached as **Exhibit O** is a true and correct copy of a Memorandum dated April
23 12, 2012 titled "Voluntary Work Program 2011 PBNDS Standards," marked as Exhibit 330 to

1 Michael Heye's deposition. Pursuant to the Protective Order, Docket No. 163, Exhibit O is
2 filed under seal.

3 17. Attached as **Exhibit P** is a true and correct copy of an email from Charles L.
4 Howard to Bill McHatton, et al., dated August 27, 2014, marked as Exhibit 364 to the Rule
5 30(b)(6) deposition of The GEO Group, Inc. Pursuant to the Protective Order, Docket No. 163,
6 Exhibit P is filed under seal.

7 18. Attached as **Exhibit Q** is a true and correct copy of a Voluntary Work Program
8 Agreement, marked as Exhibit 314 to David Tracy's deposition. Pursuant to the Protective
9 Order, Docket 163, Exhibit Q is filed under seal.

10 19. Attached as **Exhibit R** is a true and correct copy of the Declaration of Trae D.
11 Johnson, Docket No. 91 from *State of Washington v. The GEO Group, Inc., Cause No. 3-:17-*
12 *cv-05806-RJB*.

13 20. Attached as **Exhibit S** is a true and correct copy of GEO Corrections Policy
14 Number 5.1.2, marked as Exhibit 313 to David Tracy's deposition.

15 21. Attached as **Exhibit T** is a true and correct copy of The GEO Group, Inc's
16 billing to ICE, marked as Exhibit 358 to the 30(b)(6) deposition of The GEO Group, Inc.
17 Pursuant to the Protective Order, Docket No. 163, Exhibit T is filed under seal.

18 22. Attached as **Exhibit U** is a true and correct copy of defendant The GEO Group's
19 response to Request for Admission No. 67 in the *State of Washington v. The GEO Group, Inc.,*
20 *Cause No. 3-:17-cv-05806-RJB*.

21 23. Attached as **Exhibit V** are true and correct copies of excerpts of testimony from
22 the deposition of Michael Heye taken December 4, 2019, including the court reporter's
23 certification. Mr. Heye is currently a Classifications Officer at NWDC.

24. Attached as **Exhibit W** is a true and correct copy of a spreadsheet titled “Detainee Worker Average Hours.xls,” marked as Exhibit 325 to Michael Heye’s deposition. Pursuant to the Protective Order, Docket No. 163, Exhibit W is filed under seal.

25. Attached as **Exhibit X** are true and correct copies of excerpts of testimony from the deposition of Alisha Singleton taken January 31, 2019, including the court reporter’s certification, from *State of Washington v. The GEO Group, Inc., Cause No. 3:-17-cv-05806-RJB*.

26. Attached as **Exhibit Y** is a true and correct copy of various detainee job descriptions at the Northwest Detention Center, marked as exhibit 315 to David Tracy’s deposition.

27. Attached as **Exhibit Z** is a true and correct copy of a Detainee Worker Roster, marked as exhibit 309 to Erwin DelaCruz’s deposition. Pursuant to the Protective Order, Docket No. 163, Exhibit Z is filed under seal.

28. Attached as **Exhibit AA** is a true and correct copy of a document titled “Daily Detainee Worker Pay Sheet,” marked as Exhibit 308 to Erwin DelaCruz’s deposition. Pursuant to the Protective Order, Docket No. 163, Exhibit AA is filed under seal.

29. Attached as **Exhibit BB** is a true and correct copy of The GEO Group, Inc.’s sergeant job description, marked as Exhibit 311 to Marc Johnson’s deposition. Pursuant to the Protective Order, Docket No. 163, Exhibit BB is filed under seal.

30. Attached as **Exhibit CC** is a true and correct copy of The GEO Group, Inc.’s food service supervisor job description, marked as Exhibit 300 to Erwin DelaCruz’s deposition. Pursuant to the Protective Order, Docket No. 163, Exhibit CC is filed under seal.

31. Attached as **Exhibit DD** is a true and correct copy of The GEO Group, Inc.'s food service detention office job Description. Pursuant to the Protective Order, Docket No. 163, Exhibit DD is filed under seal.

32. Attached as **Exhibit EE** is a true and correct copy of The GEO Group, Inc.'s janitor job description. Pursuant to the Protective Order, Docket No. 163, Exhibit EE is filed under seal.

33. Attached as **Exhibit FF** is a true and correct copy of The GEO Group, Inc.'s maintenance technician job description. Pursuant to the Protective Order, Docket No. 163, Exhibit FF is filed under seal.

34. Attached as **Exhibit GG** is a true and correct copy of various detainee kitchen job descriptions at the Northwest Detention Center, marked as exhibit 304 to Erwin DelaCruz's deposition.

35. Attached as **Exhibit HH** is a true and correct copy of The GEO Group, Inc.'s Equitable Adjustment Requested to ICE dated May 30, 2018, marked as exhibit 365 to the Rule 30(b)(6) deposition of The GEO Group, Inc.

36. Attached as **Exhibit II** is a true and correct copy of The GEO Group, Inc.'s 2016 Northwest Detention Center Detainee Handbook.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED at Seattle, Washington this 2nd day of January, 2019.

s/ Jamal N. Whitehead
JAMAL N. WHITEHEAD

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2020, I electronically filed the foregoing, together with its supporting pleadings and attachments thereto, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED at Seattle, Washington this 2nd day of January, 2020.

s/ Virginia Mendoza

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